



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,314	04/06/2000	Claude Basso	RAL9-00-0049	8223

25299 7590 04/24/2003

IBM CORPORATION
PO BOX 12195
DEPT 9CCA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

CAO, DIEM K

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 04/24/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,314

Applicant(s)

BASSO ET AL.

Examiner

Diem K Cao

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the application filed on 04/06/2000.
2. Claims 1-8 are presented for examination.

Drawings

3. The drawings filed on 04/06/2000 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office Action.

The correction will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aridas et al. (U.S. 5,644,719) in view of Bilansky et al. (U.S. 5,878,225).

As to claim 1, Aridas teaches providing software enabled functions that open and close inter process communication paths for transmitting and receiving of inter process communication frames (REGISTER 92, DEREGISTER 93; col.6, lines 9-45), providing software enabled functions that allow the inter process communication frames to be transmitted to one of several processors in the network processing environment (SEND 94; col. 6, line 46 – col. 7, line 25).

Art Unit: 2126

However, Aridas does not teach upon calling an open software transmit/receive IPC path function, selecting by software either data or control path to transmit or receive the inter process communication frames. Bilansky teaches upon calling an open software transmit/receive IPC path function, selecting by software either data or control path to transmit or receive the inter process communication frames (When application 201 opens ... APPC communication path previously; col. 5, line 55 – col. 6, line 45).

It would have been obvious to apply the teaching of Bilansky to the system of Aridas because it provides the users better/faster performance of the communication between processors in a network environment.

As to claim 2, Aridas does not explicitly teach determining if an IPC path function is a send or receive function, and if a receive function, calling a receive IPC function. However, Aridas teaches if a process wants to receive a message, it invokes the RECEIVE function 95; col. 7, lines 26-56). Bilansky teaches if an IPC path function is a send function, then calling a send IPC function (Application program 201 ... remote system 200; col. 6, lines 5-45 and RCV 512 issues an ICF GET; col. 10, line 54 – col. 13, line 36). It would have been obvious to apply and modify the teaching of Bilansky to the system of Aridas because it provides an improve system and method for synchronizing the operation of two communication path.

As to computer system claim 5, it corresponds to the method claim of claim 1.

As to claim 6, see rejection of claim 2 above.

1. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aridas et al. (U.S. 5,644,719) in view of Bilansky et al. (U.S. 5,878,225) further in view of Isfeld et al. (U.S. 5,802,278).

Art Unit: 2126

As to claim 3, Aridas does not teach determining if an IPC frame to be sent is to be unicast or multicast, if multicast then calling a multicast transmit function, but if unicast then calling a unicast transmit function. Isfeld teaches determining if an IPC frame to be sent is to be unicast or multicast, if multicast then calling a multicast transmit function, but if unicast then calling a unicast transmit function (unicast, broadcast functions; col. 40, lines 1-67 and IP CEC and IP DPMS; col. 43, line 50 – col. 45, line 32). It would have been obvious to apply the teaching of Isfeld to the system of Aridas because it provides a method for custom applications can be developed faster and more cost effectively; col. 2, lines 1-59).

As to claim 4, Aridas teaches closing a software transmit/receive IPC path function (DEREGISTER function 93; col. 6, lines 42-45).

As to claims 7-8, see rejections of claims 3-4 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (703) 305-5220. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:00PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, DC 20231

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- OFFICIAL faxes must be signed and sent to (703) 746-7239.
- NON-OFFICIAL/DRAFT faxes should not be signed, please send to (703) 746-7140.

Application/Control Number: 09/544,314

Page 5

Art Unit: 2126

Diem Cao

April 14, 2003

Sue Lee